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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,323	09/18/2003	David J. Payne	08049.0933	6243
22852	7590	05/12/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER JOSEPH, TONYA S	
			ART UNIT 3628	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,323

Applicant(s)

PAYNE ET AL.

Examiner

TONYA JOSEPH

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-13, 16-25, 28-37, 40-48 and 57-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-13, 16-25, 28-37, 40-48 and 57-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

Claims 1, 4-13, 16-25, 28-37 and 40-56 have been previously examined. Claims 1, 13, 22-23, 25 and 37 have been amended. Claims 49-56 have been cancelled. Claims 57-64 have been added. Thus, claims 1, 4-13, 16-25, 28-37, 40-48 and 57-64 are presented for examination.

Response to Arguments

1. Applicant's arguments filed 02/18/2009 have been fully considered but they are not persuasive.
2. Applicant argues with respect to claim 1 that the "incorrect address" of Applicant's invention is not the same as the incorrect address of Allen. The Examiner disagrees. The incorrect address of Allen is an address that is not accurate. The reason for the inaccuracy being, whether or not the recipient has moved or because a number in the zip code is different, is irrelevant. In either instance the address is still incorrect for the purposes of delivery. Furthermore, Applicant's specification merely describes a type of incorrect address and contrary to Applicant's arguments, fails to define an explicit definition for an incorrect address. The Examiner maintains that Allen does teach an incorrect address consistent with the plain meaning of the term and Applicant's specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-13, 16-25, 28-37, 40-48 and 57-64 are rejected under 35 U.S.C.

103(a) as being unpatentable over Allen et al. U.S. Patent No. 5,422,821 in view of Lopez et al. U.S. Pre-Grant Publication No. 2002/0029202 A1 in further view of Anchor.

5. As per Claims 1, 13, 25 and 37, Allen teaches receiving a second instance of an incorrect address associated with a second item (see Col. 4 lines 62-68 and Col. 5 lines 1-10, Examiner is interpreting the previously stored instance of the resolved address as a first instance and the current resolution process as the second instance. Examiner is further interpreting a second item as the physical mailpiece); comparing the second instance of the incorrect address to the stored resolved address to determine that the second instance of the incorrect address matches the stored first instance of the incorrect address (see Col. 15 lines 63-68 and Col. 16 lines 1-3); and outputting the correct address from the database based on the determination (see Col. 9 lines 25-30); a storage device containing computer instructions; and a processor, connected to the storage device, that executes the computer instructions to perform operations (see Col. 12 lines 4-12) Allen does not explicitly teach the limitation taught by Lopez receiving a first instance of an incorrect address associated with a first item, wherein the incorrect address does not match address information contained in a predetermined address database (see para. 47 and 39); Allen in view Lopez does not explicitly teach the limitation taught by Anchor resolving the first instance of the incorrect address by using at least one of a plurality of address resolution processes (see pg. 2 para. 7), storing a

resolved address in a database (see pg. 2 para. 7-8); the resolved address comprising the correct address and the first instance of the incorrect address record (see pg. 2 para. 7-8). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the method of Allen to include the teachings of Lopez and Anchor to maintain correct address mailing lists.

6. As per Claims 4, 16, 28 and 40, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above. Allen further teaches processing the second item for delivery in an item delivery system (see Col. 5 lines 1-10).

7. As per Claims 5, 17, 29 and 41, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 4, 28 and 40 as described above. Allen further teaches wherein the item delivery system comprises the United States Postal Service (see Col. 5 lines 39-53). Although, Allen discloses a delivery system as set forth above; Examiner notes the recitation; wherein the item delivery system comprises the United States Postal Service constitutes non-functional descriptive language and as such is afforded little patentable weight.

8. As per Claims 6, 18, 30 and 42, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 4 and 28 as described above. Allen further teaches wherein the second item comprises at least one of a mailpiece (see Col. 8 lines 19-24).

9. As per Claims 7, 19, 31 and 43, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above.

Allen does not explicitly teach the limitation taught by Anchor wherein at least one of the plurality of address resolution processes includes sending the first item including the first instance of the incorrect address; the first item configured to be delivered in an item delivery system (see pg. 1 Para.2), to an element of the item delivery system that delivers in an area defined by a United States Postal Service ZIP code included in the first instance of the incorrect address; and (see pg. 1 para. 2) wherein the method further comprises at least one of verifying, validating or supplying information to be included in the correct address (see pg. 2 para. 8) It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Lopez to further include the teachings of Anchor to maintain and update accurate address mailing lists.

10. As per Claims 8, 20, 32 and 44, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above. Allen does not explicitly teach the limitation taught by Anchor wherein at least one of the plurality of address resolution processes includes entering first instance of the incorrect address into a database to obtain a correct United States Postal Service ZIP+4 code to be included in the correct address (see pg. 2 para. 8). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Lopez to further include the teachings of Anchor to maintain and update accurate address mailing lists.

11. As per Claims 9, 21, 33 and 45, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above.

Allen does not explicitly teach the limitation taught by Anchor wherein at least one of the plurality of address resolution processes includes modifying individual address components of the first instance of the incorrect address record to obtain a valid match to a database entry (see pg. 2 para. 8 and 10 and pg. 3 para. 5). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Lopez to further include the teachings of Anchor to maintain and update accurate address mailing lists.

12. As per Claims 10, 22, 34 and 46, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above. Allen further teaches wherein at least one of receiving and outputting further comprises utilizing at least one of regular mail, e-mail, facsimile, internet, or an interactive voice response system (see Col. 4 lines 23-40).

13. As per Claims 11, 23, 35 and 47, Allen in view of Lopez in further view of Anchor teaches the method, medium and system of claims 1, 25 and 37 as described above. Allen further teaches wherein at least one of receiving and outputting further comprises communicating over a network (see Col. 4 lines 62-67, Examiner is interpreting a computer retrieval of information in a database as communication over a network).

14. As per Claims 12, 24, 36 and 48, Allen in view of Lopez in further view of Anchor teaches the methods as described above. Allen further teaches wherein the second instance of the incorrect address includes an incorrect United States Postal Service ZIP+4 code (see Col. 4 lines 23-26 and 30-36).

15. As per Claims 57, 60 and 63, Allen in view of Lopez in further view of Anchor teaches the method of claim 1 as described above. Allen does not explicitly teach the limitation taught by Lopez, processing the first item for delivery in an item delivery system using the correct address (see para. 46). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Anchor to further include the teachings of Lopez to forward mail to a correct address.

16. As per Claims 58, 61 and 64, Allen in view of Lopez in further view of Anchor teaches the methods as described above. Allen does not explicitly teach the limitation taught by Lopez, wherein the first item comprises one of a letter and a package (see para. 46). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Anchor to further include the teachings of Lopez to enhance the functionality of a mailpiece carrier.

17. As per Claims 59 and 62, Allen in view of Lopez in further view of Anchor teaches the methods of as described above. Allen does not explicitly teach the limitation taught by Lopez, obtaining the first instance of the incorrect address from the surface of the first item (see para. 11). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Allen and Anchor to further include the teachings of Lopez to capture address data from a mailpiece.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph
Examiner
Art Unit 3628

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628